

**STATEMENT OF**  
**CARL BLAKE, ASSOCIATE LEGISLATIVE DIRECTOR**  
**PARALYZED VETERANS OF AMERICA**  
**BEFORE THE**  
**HOUSE COMMITTEE ON VETERANS' AFFAIRS**  
**SUBCOMMITTEE ON BENEFITS**  
**CONCERNING**  
**H.R. 3173, THE "SERVICEMEMBERS AND MILITARY FAMILIES**  
**FINANCIAL PROTECTION ACT"**  
**H.R. 3735, THE "DEPARTMENT OF VETERANS AFFAIRS OVERPAYMENT**  
**ADMINISTRATION IMPROVEMENT ACT"**  
**H.R. 3771, A BILL TO PROVIDE THAT MONETARY BENEFITS PAID TO**  
**VETERANS BY STATES AND MUNICIPALITIES SHALL BE EXCLUDED**  
**FROM CONSIDERATION AS INCOME FOR PURPOSES OF PENSION**  
**BENEFITS**  
**H.R. 4042, THE "VETERANS HOME LOAN PREPAYMENT PROTECTION**  
**ACT"**  
**AND OTHER LEGISLATION**  
  
**JUNE 11, 2002**

Chairman Simpson, Ranking Member Reyes, members of the Subcommittee, PVA would like to thank you for the opportunity to testify on H.R. 3173, the "Servicemembers and Military Families Financial Protection Act," H.R. 3735, the "Department of Veterans

Affairs Overpayment Administration Improvement Act,” H.R. 3771, a bill to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits, H.R. 4042, the “Veterans Home Loan Prepayment Protection Act,” and other legislation.

### **H.R. 3173**

H.R. 3173, the “Servicemembers and Military Families Financial Protection Act of 2001,” provides important improvements to benefits for veterans. Section 1 of the bill would increase the maximum monthly lease amount, protected under the Soldiers’ and Sailors’ Civil Relief Act (SSCRA) of 1940, from \$1,200 to \$1950. Currently, under 50 U.S.C. § 530, landlords are limited in their ability to evict active-duty personnel or their dependent families from a family dwelling if a military tenant pays \$1,200 a month or less for the dwelling. This amount last increased to \$1200 in P.L. 102-12 in 1991. Due to ever increasing costs-of-living, rental rates in many localities have gone up; therefore, this protection should mirror the increase. Men and women called to active duty, who often take a reduction in pay when drawing active duty pay instead of their civilian paycheck, should not have to suffer the threat of being evicted from their homes. PVA supports Section 1 of the bill.

Section 2 of the bill would provide for an optional increase in maximum coverage under Servicemembers’ Group Life Insurance (SGLI) and Veterans’ Group Life Insurance (VGLI). It would allow for incremental increases in insurance coverage up to \$1 million. This “buy-up” option would be available by paying a premium equivalent to the rate that

soldiers currently pay for SGLI. This provision would allow servicemen and women to be sure that their families are provided for in the event of an unfortunate event. PVA supports Section 2 of the bill.

### **H.R. 3735**

H.R. 3735, the “Department of Veterans Affairs Overpayment Administration Improvement Act of 2002,” would extend the time for application for a waiver of recovery of claims of overpayments of veterans benefits to 180 days from the date of final determination of the overpayment amount, if such date is later than the date that is 180 days from the date of payee notification of the indebtedness. The bill would also allow the Secretary of Veterans Affairs (VA) to waive recovery of an overpayment if that recovery would impede the efficient and effective administration of veterans' benefits due to the small amount involved and the costs of assessing and collecting such amount. Veterans cannot be held responsible when the Administration makes a mistake and issues an overpayment of benefits. Although PVA fully supports the right of the VA to recover overpayments, the recovery process should not take advantage of a veteran. Therefore, PVA supports H.R. 3735.

### **H.R. 3771**

PVA applauds the intent behind H.R. 3771, a bill that would provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits. Veterans who receive pension benefits should not face reduction of those benefits simply because their states choose to

recognize their service to this country with similar payments. PVA fully supports H.R. 3771.

Similarly, there are many examples in federal policy whereby low-income disabled veterans are placed at a disadvantage relative to beneficiaries of other disability support programs. Department of Housing and Urban Development (HUD) regulations offer earnings disregards to Social Security Income (SSI) or Temporary Assistance to Needy Families (TANF) recipients in HUD-subsidized housing. Unfortunately, veterans receiving pension benefits, who attempt to go to work, do not receive the same assistance. The same can be said of a new Social Security law that denies access to VA vocational rehabilitation services for veterans on Social Security disability benefits who want to attain greater economic self-sufficiency. PVA would like to work with the committee to explore in greater detail the ways in which many federal programs designed to help persons with disabilities overlook the disabled veteran population.

#### **H.R. 4042**

H.R. 4042, the “Veterans Home Loan Prepayment Protection Act of 2002,” would prohibit mortgage lenders from charging additional interest following prepayment in full of VA Guaranteed Home Loans. Mortgage lenders currently have a means to determine their own cutoff time for receipt of a loan prepayment. This allows the mortgage lender to charge additional interest for an extra day or in some cases several days. Ultimately, the veteran ends up paying additional interest on a loan that he or she has already prepaid in full. This is an issue of basic fairness. PVA supports the provisions of H.R. 4042.

### **Arlington National Cemetery Burial Eligibility Act**

PVA does not oppose the “Arlington National Cemetery Burial Eligibility Act” draft legislation. We recognize the importance of clarifying burial eligibility within this national shrine. We would recommend, however, that the limitation on presidential waiver authority be broadened somewhat to not only include extraordinary “acts, service, or contributions to the Armed Forces,” but, with proper notification to the Chairmen and Ranking Members of both the House and Senate Committees on Veterans' Affairs, to include extraordinary “acts, service, or contributions to our Nation” as a whole.

### **Dependency and Indemnity Compensation**

PVA has no objection to the provisions of the proposed bill that would provide for the payment of Dependency and Indemnity Compensation (DIC) to the surviving spouse of a deceased veteran who for at least one year preceding death had a service-connected disability rated totally disabling that was due to a service-connected cold-weather injury.

I would like to thank the Subcommittee for its commitment to improve the benefits for our servicemen and women. We look forward to working with the subcommittee in the future. I would be happy to answer any questions that you might have.

**Information Required by Rule XI 2(g)(4) of the House of Representatives**

Pursuant to Rule XI 2(g)(4) of the House of Representatives, the following information is provided regarding federal grants and contracts.

**Fiscal Year 2002**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—National Veterans Legal Services Program—\$179,000 (estimated).

**Fiscal Year 2001**

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—National Veterans Legal Services Program—\$242,000.

**Fiscal Year 2000**

General Services Administration—Preparation and presentation of seminars regarding implementation of the Americans With Disabilities Act, 42 U.S.C. §12101, and requirements of the Uniform Federal Accessibility Standards—\$30,000.

Federal Aviation Administration—Accessibility consultation--\$12,500.

Court of Appeals for Veterans Claims, administered by the Legal Services Corporation—National Veterans Legal Services Program—\$200,000.

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Carl Blake is an Associate Legislative Director with the Paralyzed Veterans of America (PVA) at the PVA's National Office in Washington, D.C. He represents PVA to federal agencies including the Department of Defense, Department of Labor, Small Business Administration, and the Office of Personnel Management. In addition, he represents PVA on issues such as homeless veterans, disabled veterans' employment, and Gulf War Illness as well as coordinates issues with other Veterans Service Organizations.

He currently serves on the Subcommittee on Disabled Veterans (SODV), part of the Office of Disability Employment Policy (ODEP) and is a member of the Task Force for Veterans Entrepreneurship.

Carl is a native of Woodford, Virginia. He attended the United States Military Academy at West Point, New York. He received a Bachelor of Science Degree from the Military Academy in May 1998. He received the National Organization of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States Award for Excellence in Environmental Engineering Science.

Upon graduation from the Military Academy, he was commissioned as a Second Lieutenant in the United States Army. He was assigned to the 1<sup>st</sup> Brigade of the 82<sup>nd</sup> Airborne Division at Fort Bragg, North Carolina. Carl was retired from the military in October 2000 due to a service-connected disability.

Carl is a member of the Virginia-Mid-Atlantic chapter of the Paralyzed Veterans of America.

Carl and his wife Venus live in Fredericksburg, Virginia.